

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:18-cr-379-MOC-DSC-1**

UNITED STATES OF AMERICA,

vs.

WINSTON MEDLEY,

Defendant.

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ORDER

THIS MATTER comes before the Court on Defendant’s pro se letter Motion to Appoint Counsel for Compassionate Release/Reduction of Sentence, Motion for Compassionate Release/Reduction of Sentence, (Doc. No. 31). Defendant, an inmate at FSL Jesup in Jesup, Georgia, seeks a reduction of his sentence based on the COVID-19 pandemic, stating that he has been diagnosed with “asthma and high blood pressure” and that the staff at FSL Jesup are not following CDC recommendations. He alleges that the prison does not provide adequate soap, that staff do not wear personal protective equipment while in close quarters with inmates, that overcrowding has made social distancing impossible, and that prisoners diagnosed with COVID-19 have been housed at various times with healthy prisoners.

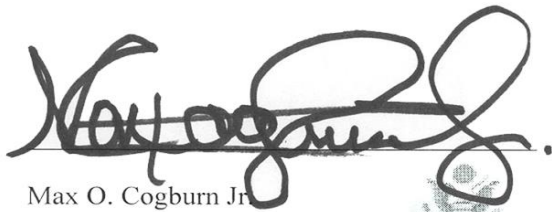
Furthermore, to the extent Defendant seeks appointment of counsel to assist him with pursuing his motion for compassionate release, there is no general constitutional right to appointed counsel in post-conviction proceedings. See Pennsylvania v. Finley, 481 U.S. 551, 555 (1987); United States v. Williamson, 706 F.3d 405, 416 (4th Cir. 2013). Instead, the Court has discretion to appoint counsel in proceedings under 18 U.S.C. § 3582(c) if the interests of justice so require. See United States v. Legree, 205 F.3d 724, 730 (4th Cir. 2000); see also United States v. Reed, 482 F. App’x 785, 786 (4th Cir. 2012); cf. 18 U.S.C. § 3006A(a)(2)(B)

(providing interests of justice standard for appointment of counsel in similar post-conviction proceedings). Here, Defendant has alleged that he has significantly reduced access to the prison's law library due to COVID-19 and that he needs counsel in order to access his medical records.

ORDER

IT IS, THEREFORE, ORDERED that within 20 days the Government shall file a response to Defendant's motion. (Doc. No. 31).

Signed: October 23, 2020



Max O. Cogburn Jr.
United States District Judge